

Echoes of memory between the lines: Evidence of colonial crime through the lens of memoirs and diaries

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Abstract: *Addressing colonial crimes in the present remains methodologically and ethically complex, owing to fragmented, inaccessible, and often deliberately manipulated archival records, compounded by the erosion of living memory. These limitations expose the epistemic fragility of official colonial archives and necessitate alternative modes of historical reconstruction. This chapter argues that memoirs and diaries produced by colonial actors, while deeply embedded in imperial ideologies, constitute paradoxical yet indispensable sources for interrogating colonial violence. Rather*

than treating these texts as transparent accounts, the study reads them critically against the grain to uncover dissonances, silences and unintended disclosures. Drawing on three case studies – Otto Dempwolff in relation to the Herero and Nama genocide; Eugen Zintgraff in relation to German colonial expeditions in Cameroon, and Karl Weule in relation to ethnographic collecting in Tanzania – the chapter examines how personal writings inadvertently register ‘echoes’ of colonial violence. Engaging the theoretical lens of Gayatri Chakravorty Spivak, the analysis conceptualises these ‘echoes’ as residual traces that disrupt the coherence of colonial self-representation and expose the latent contradictions within imperial knowledge production. By situating these textual fragments within contemporary debates on historical redress in Namibia, Tanzania and Cameroon, the chapter advances a critical argument that colonial archives are not only incomplete, but also internally unstable, and that their re-reading can contribute to ongoing discourses on accountability, restitution and epistemic justice. Ultimately, the study foregrounds the ambivalent evidentiary value of colonial subjectivities, demonstrating how they may be mobilised to challenge, rather than reproduce, dominant historical narratives.

1 Introduction

The quest for addressing colonial crimes continues to face insurmountable challenges, among others, including the fact that colonial authorities often did not keep official detailed records of abuses, or they manipulated them to evade accountability. Many official records that remain are also scattered across different archives worldwide, are still classified or even destroyed by former colonial states to undermine critique of colonialism by sanitising the past, as the case of Operation Legacy (1950s-1970s) in Great Britain demonstrates.¹ In addition, physical evidence and witness testimonies may be scarce due to the elapse of time, with many direct witnesses no longer alive.

1 Diptée ‘Operation Legacy: How Britain covered up its colonial crimes’ *The Conversation* (web blog) 18 March 2024, <https://theconversation.com/operation-legacy-how-britain-covered-up-its-colonial-crimes-225330> (accessed 28 August 2025).

In the face of this obliqueness, this chapter juxtaposes the assumption that memoirs and diaries written by eye witnesses, especially those directly involved in colonial affairs, can be invaluable sources of evidence in resolving colonial crimes, as they provide unique, first-hand perspectives on the events and social context of the time. This first-hand perspective may contradict the curated and dominant perspectives on colonial crimes. These possible contradictory perspectives have the potential to broaden and usher in new insights for broader colonial justice agenda. Premised on this assumption, we argue that memoirs and diaries can provide first-hand experiences and provide evidence of colonial injustices in the absence of official records or offer different perspectives contrary to curated and dominant tailor-made official responses to colonial crimes. They can illustrate the everyday lived realities under colonial rule provide testimonies of specific events and crimes and therefore support transitional justice, reconciliation and reparation mechanisms.

To concretise these assumptions, we will first address the challenges in addressing colonial crimes. Second, we will elaborate on the memoirs and diaries as sources of historical evidence. We will then analyse three cases regarding colonial officers and ethnologists: Otto Dempwolff (1871-1938), whose diary *Tagebücher aus Südwestafrika 1904-1905* (Diaries from South West Africa 1904-1905) reflects on the evidence of the Herero and Nama genocide (1904-1908) that was committed in Namibia;² Eugen Zintgraff (1858-1897) whose memoirs *Nord-Kamerun* (North-Cameroon) reflects on crimes committed in German Cameroon, especially those regarding the so-called expedition, which aimed to extend the colonial territories in the inland, combined with lootings of cultural belongings;³ and Karl Weule (1864-1926), whose memoirs *Negerleben in Ostafrika* (The lives of Negroes in East Africa) testifies to the use of violence while collecting ethnographic artifacts and producing sound recordings in Tanzania.⁴ These cases represent distinct geographical and disciplinary contexts: Southwest Africa, Cameroon and East Africa. Together they offer insight into how colonial officers

2 O Dempwolff *Tagebücher aus Südwestafrika 1904-1905* (2020).

3 E Zintgraff *Nord-Kamerun: Schilderung der im Auftrage des Auswärtigen Amtes zur Erschließung des nördlichen Hinterlandes von Kamerun während der Jahre 1886-1892 unternommenen reisen* (1895).

4 K Weule *Negerleben in Ostafrika: Ergebnisse einer ethnologischen Forschungsreise* (1908).

and ethnologists documented, justified and obscured acts of violence in their own writings. They provide valuable primary evidence of the entanglement between scientific exploration and colonial domination. Meanwhile, they provide perspectives that are deeply shaped by Eurocentric assumptions and institutional loyalties. These perspectives inevitably introduce biases and silences when it comes to indigenous experiences and resistance.

These documents of personal sources are composed of compilations of letters and notes, published travel reports and personal documents written by these colonial officers and ethnologists during and after their stay in the colony. With sometimes irrefutable evidence exemplified by the indelible details of records contained in the documents, this chapter proffers that memoirs and diaries of colonial officials bring depth and personal context to the historical record, helping to reconstruct the truth of colonial crimes and supporting efforts toward accountability and justice.

With these case studies, we will finally reflect on colonial law and the question of ownership and justice, especially in the framework of the debate on looted artifacts and dispossessed lands in the colonial contexts, and analyse challenges faced today in this regard.

We use the concept of 'echoes' as a decolonial method to point to the fact that colonial violence is being testified to through the unconscious echoes of its own perpetrators, making untold stories audible without having to rewrite them. This refers to the fact that memoirs and diaries function as silent witnesses to colonial atrocities, uncovering narratives frequently neglected in traditional archives and archaeological documentation. The term is based on the essay by the Indian cultural scientist Gayatri C Spivak, where she develops a feminist deconstruction of the Narcissus myth, starting from her critique of Christopher Lasch's *The culture of narcissism*. Spivak focuses on the often-overlooked figure of Echo to offer a different interpretation of the myth. While thinkers such as Freud and Lacan concentrate on Narcissus, Spivak sees Echo as the central ethical figure;⁵ Echo is the possibility of an unintended truth – she responds without being able to speak for herself, creating meaning beyond her own intention.⁶ We consider the diaries and

5 EGC Spivak 'Echo' (1993) 17-43.

6 Spivak (n 5) 20-25.

memoirs of colonial officers as echo spaces. Their private writings function like Spivak's Echo; today they unintentionally respond to what is left unsaid in the official archives. The colonial officers did not set out to document their crimes, but their diaries still echo hidden truths about colonial crimes. Appreciated in the context of Echo Space as understood in Spivak's reading, these diaries and memoirs produce truth beyond intention, reveal violence and injustice, although that was never the writers' aim. They wrote for themselves, for their families, for self-justification, but their words *echo* the crimes against their will.

2 Challenges in resolving colonial crimes

A common thread running through the scholarship on colonial crimes is the deliberate destruction and manipulation of evidence by colonial administrations, particularly as independence movements gained momentum. A well-known case of this kind of destruction and manipulation is 'Operation Legacy', as revealed in 2011. Operation Legacy highlights the British government's systematic efforts to eliminate or conceal incriminating documents in the years preceding the political independence of its former colonies.⁷ Operation Legacy, launched in the 1950s, involved the surreptitious removal or destruction of any records that might embarrass or implicate British officials, especially in relation to policing and military activities during British colonialism. In an article on that topic, the historian Audra Diptée emphasises the long-term implications of such acts, particularly in the current era where misinformation is rampant. As she notes, the way in which history is presented is influenced when those in positions of authority choose whether records are kept or destroyed.⁸ The aim of Operation Legacy was to protect the reputation and avoid the embarrassment, not just of Britain but also of its collaborators.⁹ Such meddling may leave gaps in the record and make it more difficult for future generations to understand the past and seek justice for the events that took place.

In addition to the physical loss of evidence, colonial rulers often fabricated residual records to justify violent repression or harsh

7 Diptée (n 1).

8 As above.

9 S Sato 'Operation Legacy: Britain's destruction and concealment of colonial records worldwide' (2017) 45 *Journal of Imperial and Commonwealth History* 702.

management. These practices result in misleading official records, which makes it difficult for historians and legal experts to determine the truth.¹⁰ As time passes and collective memory deteriorates, the issue is exacerbated by the loss of oral testimony from eye witnesses. On top of that, physical evidence may be damaged or lost, making it even harder to confirm reports of colonial violence. Together, the intentional destruction, selective preservation and gradual erosion of evidence collectively undermine attempts to resolve colonial crimes, both historically and legally.

Referring to these challenges, researchers have long pointed out how difficult the study of colonial crimes happens to be, especially because of the fact that colonial powers controlled what was written down, kept or hidden in their archives.¹¹ These challenges are tied to what decolonial thinkers call the 'coloniality of knowledge'. The term refers to the fact that certain voices and forms of evidence have been treated as trustworthy, while others have been dismissed or ignored which, however, is a manifestation of power.¹² Due to this power relationship, which determines the preservation of documents in archives, the anthropologist Ann Laura Stoler argues that colonial historiography should look beyond the documents preserved in the archive and also interrogate the archive as an institution, its history, its practices, and the conventions that shaped what it contains.¹³

From these points of view arose also the question of representation when it comes to addressing colonial history, especially in terms of epistemic challenges in the knowledge production. While agreeing on the material and documentary challenges, colonial theorists and historians Jasmine Gani and Jenna Marshall extend the discussion by highlighting the enduring epistemological barriers rooted in colonial knowledge production.¹⁴ They argue that the problem is not merely

10 JK Gani & J Marshall 'The impact of colonialism on policy and knowledge production in international relations' (2022) 98 *International Affairs* 5-22.

11 AL Stoler *Along the archival grain: Epistemic anxieties and colonial common sense* (2008).

12 WD Mignolo *The darker side of Western modernity: Global futures, decolonial options* (2011); A Mbembe 'The power of the archive and its limits' trans J Inggs in C Hamilton and others (eds) *Refiguring the archive* (2002) 19-26.

13 A Laura Stoler 'Colonial archives and the arts of governance' (2002) 103 *Archival Science* 87-109.

14 Gani & Marshall (n 10).

the absence of records, but the persistence of intellectual structures developed during the colonial period. These structures, embedded in international policy frameworks and academic institutions, were instrumental in legitimising imperial ideologies.¹⁵ According to Gani and Marshall, academic disciplines such as International Relations were founded in part to serve imperial administrations and thus retain traces of colonial logic. Imperialist and racial ideas have long shaped education and research. As a result, voices from the Global South, especially those of thinkers focused on liberation and post-colonial leaders, have often been pushed aside. Meanwhile, individuals who supported colonialism are still widely recognised in academic work while the contributions of formerly colonised communities are frequently ignored or forgotten.¹⁶

From this perspective, the inquiry should not focus solely on missing evidence. A bigger issue is how knowledge itself has been shaped – who gets to decide what counts as valid history? To truly address colonial violence, it is not enough to just recover lost records. We also need to rethink and change the systems that have long defined which stories matter. These systems still influence how we understand, judge and respond to the impacts of colonialism today.

Therefore, the problem lies not only in the lack of evidence, but also in the way in which we interpret it.¹⁷ In this respect, diaries and memoirs can be alternative sources from direct colonial contexts that could be considered when dealing with colonial memory if read between the lines, analysed through forensic linguistics, deconstructed and interpreted from decolonial perspectives.

3 Personal writings as sources on colonial crimes

Memoirs and diaries constitute a composite evidentiary base for reconstructing colonial crimes and their legacies. These personal writings reveal colonial actors' experiences, motivations, policy intentions, and the implementation of state violence, thereby complementing or substituting for limited or biased official records.¹⁸ For instance, in cases

15 As above.

16 As above.

17 As above.

18 I Paperno 'What can be done with diaries' (2004) 63 *The Russian Review* 561-573; KS Bakhtiyorovna 'Memoirs as a source of historical research' (2023) 19 *Eurasian*

where colonial era documents and personal diaries are key sources for uncovering German state crimes, these personal writings become essential for understanding both official and unofficial forms of oppression.

Researchers see diaries as historical evidence, as a kind of literature, and as personal life stories,¹⁹ but they also warn that diaries should not be taken as pure facts. Because they follow a basic narrative structure, diaries can shape history themselves. They give historians a way to explore not just what happened, but also how people thought about time, identity and privacy – alongside how these texts were written, kept and eventually published.²⁰ Diaries can present layered portrayals, what actually occurred, what the author believed occurred, and a deliberately crafted persona intended to project a desired image. Distinguishing between person and persona, especially when multiple constructed selves coexist, poses a central methodological question for historians.²¹ Diaries act like bridges connecting times and contexts: '[A]s it negotiates the relationship between the categories of temporality and subjectivity, as well as the private public, the diary creates a generic matrix for recounting personal experience in historical and social context.'²²

Rather than being read as books with a clear beginning and end, diaries should be seen as ongoing processes. They are records of lived experiences, shaped by time. To read them is not just to gather facts, but to engage with how someone continuously narrates their life in private, day by day, within the structure of the calendar.²³ According to the French philosopher Philipp Lejeune, the diary is grounded in truth. It resists fiction, not because it is perfectly objective, but because its form makes invention difficult. Unlike autobiographies written in hindsight, the diary unfolds in the moment, making deliberate story telling or fabrication hard to sustain. Lejeune even calls the diary 'anti-fiction'. It works against narrative construction the way anti-lock brakes work against skidding. Real diaries are not about inventing stories. In fact, it

Journal of History, Geography and Economics 62.

19 Paperno (n 18).

20 As above.

21 RK Schoppa 'Diaries as a historical source: Goldmines and/or slippery slopes' (2010) 17 *The Chinese Historical Review* 30.

22 Paperno (n 18) 573.

23 Paperno (n 18).

is hard for literary fiction to convincingly imitate the authenticity of a true diary.²⁴

As for memoirs, they are very personal and reflect the writer's own memories, but they also offer insight into the mood and feeling of a time. How reliable they are depends on when they were written and how honest the author was. Memoirs can reveal how someone saw their own role in historical events and how they viewed others involved. Unlike academic texts, they include personal opinions, biases and class perspectives. This can make them less accurate in some ways, even if they are still valuable for understanding how people experienced the past. Nevertheless, memoirs offer insight into societal values and mentalities and help us understand social dynamics and reconstruct historical settings. As such, they offer a window not just into events, but into how those events were lived and remembered.²⁵ Memoirs likewise exhibit a retrospective nature that is not always advantageous. The temporal gap between events and the act of writing may produce distortions, loss of detail or errors in recalling names and titles.²⁶ At the same time, looking back from a distance can help the author reflect more calmly, assess their own actions more clearly, and better distinguish between what was truly important and what was not.²⁷

In short, both memoirs and diaries are personal sources based on the writer's own experiences. They describe events that the author personally experienced, saw first-hand, or heard about from others. These writings often include details that do not appear in official records, which makes them especially useful for understanding the past. In this affirmative view, as personal writings they provide nuanced perspectives on colonial injustices and resistance, supplying details otherwise suppressed or destroyed, and often constituting the only surviving record, when it comes to tracing specific details.²⁸

Both diary and memoirs are writings in the category of documents of personal sources. While critics warn against merely raiding them for facts at the expense of their form,²⁹ proponents argue that, when

24 P Lejeune *On diary* trans K Durnin (2009) 201-210.

25 Bakhtiyorovna (n 18) 63.

26 Bakhtiyorovna (n 18).

27 As above.

28 Schoppa (n 21).

29 Paperno (n 18).

contextualised, these documents of personal sources transcend auxiliary status and yield comprehensive historical information.³⁰ In the next part we examine the case of three documents of personal sources that provide some details about colonial crimes in German colonies.

4 Case studies: Colonial violence in personal writings of three colonial officers

This part examines three case studies that reveal the entanglement of colonial violence, ethnographic practices, and the personal testimonies of individuals involved in Germany's colonial empire, through the lens of their own personal writings. Otto Dempwolff, Karl Weule and Eugen Zintgraff, each operating in different colonial contexts, left behind published documents of personal sources made of diaries, letters and memoirs that offer disturbing insights into the workings of colonial domination and the mindset of its agents.

4.1 Otto Dempwolff – German genocide on Herero people in Namibia, and epistemic violence

Otto Heinrich Louis August Dempwolff (1871-1938) was a German medical officer who served in the colonial army in German Southwest Africa, today Namibia, from 1898 to 1911. His career was shaped by a close entanglement of medicine, science and colonial ambition. Between 1901 and 1903, he participated in two so-called malaria expeditions to the German colony of New Guinea, commissioned by the famed bacteriologist Robert Koch (1843-1910) and the Foreign Office. These expeditions formed part of a broader German attempt to assert imperial control through scientific authority.³¹

Dempwolff was not only a physician but also an avid collector. He accumulated a wide range of cultural artefacts and human remains³² during his time in the colonies and later donated these to several major institutions, including the State Museum in Hannover and Ethnological

30 Bakhtiyorovna (n 18).

31 J Amberger 'Robert Koch und die Verbrechen von Ärzten in Afrika' 26 December 2020, <https://www.deutschlandfunk.de/menschenexperimente-robert-koch-und-die-verbrechen-von-100.html> (accessed 2 September 2025).

32 O Dempwolff 'Über aussterbende Völker' (1904) 36 *Zeitschrift für Ethnologie* 387.

Museums in Berlin and Hamburg. He also produced photographs and early sound recordings, both in German colonies and in prisoner of war camps. After returning to Germany, Dempwolff became a prominent professor and linguist at the Hamburg Colonial Institute, where he specialised in African and Austronesian languages, often relying on data gathered during his colonial service.

However, his role in the Herero genocide (1904-1908) marks the most disturbing chapter of his biography. Commissioned by the German Chancellor in 1904, Dempwolff served as a highest military doctor for German troops during the genocide, actively participating in combat and, as his own writings reveal, in acts of killing.³³ In his diary *Tagebücher aus Südwestafrika 1904-1905*, posthumously published by his grandson in 2020, he describes his wartime actions and attitudes with chilling clarity.³⁴ Compiled from letters and notes sent to his parents, the diary reveals a man deeply involved in colonial warfare, who referred to himself as a fighter and who showed little moral hesitation about the violence.³⁵

He consistently referred to the Herero people as enemies, lamenting German casualties more than the mass deaths of the colonised. Reflecting on the war, he wrote:

We will certainly end the campaign victoriously, but hardly with much glory. We will fare with the Herero as the English did with the Boers. Much money, much time, much – partly unnecessary – blood must be sacrificed, and in the end, the enemy runs out of ammunition, provisions, and moral courage, while we have a supply of all three.³⁶

On 17 April 1905, he described the assault on Okandjira with unmistakable pride:

The battle in Okandjira was a victory for us: we captured the enemy settlements with their strong and well-fortified defences, took spoils in terms of materials, wagons, and some livestock, found 60-80 enemy dead on the battlefield – and did not lose any of our own to the enemy – and held the battlefield for days.³⁷

Dempwolff's descriptions of the battlefield shed light on specific, first-hand details from the war – details that are generally not recorded in

33 Dempwolff (n 2).

34 As above.

35 As above.

36 Dempwolff (n 2) 33.

37 Dempwolff (n 2) 62.

official documents. He reported that African soldiers under German command fighting against the Herero people were forced to shout 'Victoria' in battle – a slogan that had deadly consequences for them if they ignored it: 'Those who do not shout Victoria are killed.'³⁸

For Dempwolff, these years in Namibia were not a moral burden but a source of fascination. He later described the experience as being 'a chapter from the book of my life, and perhaps the most interesting of all chapters'.³⁹ This combination of scientific interest, personal ambition and direct participation in genocidal violence reflects the deeper logic of German colonialism: a logic where power, violence and knowledge were inseparably intertwined.

Otto Dempwolff's writings provide a revealing window into his world view and his perception of the colonised. In his diary *Tagebuch von den westlichen Inseln* (diary from the western islands) and other texts, he repeatedly referred to local populations using terms such as savages, idle-minded, and children of nature.⁴⁰ He framed them as primitives on the verge of extinction, echoing a widespread colonial narrative that combined racial hierarchy with a rhetoric of decline and disappearance, when it came to writing about the colonised people.⁴¹

Between 1912 and 1913, during the winter semester at the Hamburg Colonial Institute, Dempwolff conducted linguistic experiments with Nama-speaking individuals who had been brought to Hamburg from the colonies. He considered their languages exotic, and, like many of his contemporary scientists, he approached those languages more as an object of fascination than as a living means of communication. Writing from the perspective of an apparent expert, as he considered himself, he commented on how to educate colonised populations into becoming labourers.⁴² The people of Papua New Guinea, he argued, were unsuited to labour and would have to be coerced into it. He suggested creating material conditions that would drive them, through necessity, into accepting work.⁴³

38 Dempwolff (n 2) 80.

39 Dempwolff (n 2) 93.

40 O Dempwolff *Tagebuch von den Westlichen Inseln 1902* (2019) 43.

41 Dempwolff (n 40) 91.

42 Dempwolff (n 32) 6.

43 Dempwolff (n 32) 7.

To support and stabilise colonial rule, Dempwolff advocated a stronger missionary presence in the colonies, including the greater involvement of lay persons in missionary activity. Christianity, in his view, could function as a tool for accelerating the cultural assimilation of colonised peoples.⁴⁴ His attitudes reveal a deeply paternalistic and instrumental view of colonial subjects: as populations to be shaped, managed and exploited in the name of civilisation and empire.

Like many colonial officials of his era, he assumed the role of an ethnologist and linguist without formal training. Nonetheless, his work on Austronesian languages gained him academic recognition. He began teaching as an independent lecturer at the Hamburg Colonial Institute between 1911 and 1913, under the direction of Carl Meinhof (1857–1947), a leading figure in African studies in Germany. On 5 June 1918, Dempwolff was awarded the honorary title of ‘Hamburgischer Professor’ (Hamburg Professor) for his contributions to the study of colonial languages.⁴⁵ He continued teaching at the University of Hamburg from 1919 to 1938, habilitating in the field of African and South Seas languages in 1920 and becoming associate professor. From 1931 until his death in 1938, he directed the seminar for Indonesian and Pacific languages.⁴⁶

4.2 Karl Weule – the violence of ethnographic collecting

Another colonial officer whose personal writings reveal colonial violence is Karl Weule. Weule was a geographer and ethnologist who played a central role in the German colonial knowledge apparatus of the early twentieth century. As director of the Museum of Ethnology in Leipzig, he was actively involved in the collection and classification of cultural artefacts from the colonies. In 1906, he took part in an official expedition to German East Africa (present-day Tanzania), commissioned by the Commission for the Geographical Research of

44 O Dempwolff ‘Notwendigkeit der christlichen Mission für die Kolonisation’ (1914) 14 *Nachrichten aus der Deutschen Kolonialschule Wilhelmsdorf für die Kameraden, Freunde und Gönner / Zeitschrift des Verbandes Alter Herren der Deutschen Kolonialschule für die Kameraden und Freunde* 121–133.

45 *Deutscher Ordens-Almanach* (1908) 265.

46 M Duttge ‘Biography’, <http://www.dempwolff.de/biography.html> (accessed 2 September 2025).

the German Protectorates under the Imperial Colonial Office.⁴⁷ Weule documented his ethnographic expedition to German East Africa which took part amid the brutal German colonial suppression of the Maji Maji uprising.⁴⁸

During this expedition, Weule collected many ethnographic artefacts for the museums in Leipzig and Berlin. He also made over 130 phonographic recordings, some of the earliest sound documents ever made in East Africa.⁴⁹ These recordings were presented as scientific material. However, their production often took place under coercive and violent conditions. His work was facilitated and protected by the colonial administration, which provided logistical and sometimes military support for the expedition.⁵⁰

Weule's own writings reflect both his complicity in and normalisation of colonial violence. In his book *Negerleben in Ostafrika*, which is partly a memoir about his experience in the colony, published after the expedition, Weule reproduced racist stereotypes about the colonised people and considered them and their culture less civilised than the Europeans.⁵¹ Furthermore, the documents are not only about cultural observations but also direct accounts of violent repression. Like in most of the publications by colonial officers, arriving in East Africa shortly after the brutal suppression of the Maji Maji rebellion (1905-1907), Weule described witnessing an execution almost immediately after his arrival:

Hardly a day after my landing, I was already a witness to the execution of an insurgent. Such an execution is certainly unpleasant even for hard hearts; however, when, in addition to the lengthy reading of the verdict in both German and Swahili, there is also notable clumsiness in the technical preparations, as was the case here, the procedure becomes a torment even for the most indifferent Black person.⁵²

However, Weule was not just an observer of violence; he also perpetrated it. In one of the most disturbing passages of his book, he recounts how he

47 F Krause 'Dem Andenken Karl Weules' in F Krause and others (eds) *Jahrbuch des Städtischen Museums für Völkerkunde zu Leipzig* (1928) 14-15.

48 Weule (n 4).

49 As above.

50 Weule (n 4) 221.

51 As above.

52 Weule (n 4) 43.

physically restrained a blind singer named Sulila to force him to perform in front of the recording phonograph:

[H]is damned habit of constantly turning his head, he cannot even leave it behind in front of the funnel; the first recordings of his performances are therefore filled with the most dreadful metallic tones. With the quick impulsiveness that distinguishes me in front of so many people and which I have often found cause to regret in myself, but which helps me smoothly overcome all difficulties here, I now simply grab the blind singer by the collar as soon as he lets his lion's voice ring out. Then I hold his woolly head as if in a vice until the bard has finished bellowing his heroic song. No matter how much he twitches and pulls and tries to turn his head so forcefully – I hold him.⁵³

This description in Weule's writing is one of the rare written statements that provides documentation of the direct sound recording situation in the colony. Comparable documentation is not available even in dedicated sound archives.⁵⁴ The violence used by Weule on a blind singer reveals not only a deeply dehumanising attitude, but also how scientific disciplines such as ethnology, geography and musicology operated hand-in-hand with colonial violence. The production of ethnographic knowledge was often built on the domination and physical coercion of colonised people. Weule's writings and practices exemplify the racialised power dynamics at the heart of ethnographic research during the colonial period – where scientific curiosity and violent control were deeply intertwined.

4.3 Eugen Zintgraff – the violence of the so-called expeditions

In the early phase of German colonisation in Cameroon, Eugen Zintgraff was a central figure. Although not a military officer, he acted with significant authority on behalf of the German Foreign Office, which commissioned him to lead a series of so-called exploratory missions between 1886 and 1892.⁵⁵ These expeditions were part of Germany's efforts to expand colonial control from the coast into the inland, targeting regions such as the dense coastal forests, the grass fields and

53 Weule (n 4) 221.

54 M Kalibani 'Koloniales Leiden in Lied und Wort' (2024) 32 *Werkstattgeschichte* 95-114.

55 S Michels & R S Fossi 'Eugen Zintgraff: Ein Düsseldorfer in Kamerun', <http://deutschland-postkolonial.de/portfolio/zintgraff/> (accessed 1 September 2025).

Northern Cameroon.⁵⁶ Zintgraff's role combined scientific exploration with imperial propaganda. He saw himself as both an explorer and an implementor of German order to territories which would later become German colonies.⁵⁷

As part of these missions, Zintgraff engaged in extensive collection and looting. Numerous cultural and zoological artefacts, as well as human remains, linked to him, are now housed in German museums, including those in Berlin, Braunschweig, Detmold, Hildesheim, Leipzig, Oldenburg and Stuttgart.⁵⁸ These artefacts, stripped from their original contexts, reflect the violent asymmetry of colonial encounters and the commodification of African cultures under imperial rule.⁵⁹

Zintgraff's diary entitled *Nord-Kamerun* was published later after his work in the colony.⁶⁰ It offers rare but deeply problematic insights into the colonial mindset and the practices of destruction and appropriation that accompanied German expansion. *Nord-Kamerun* has been analysed by Cameroonian scholars such as Richard Tsogang Fossi, who notices a mix of anthropological curiosity and brutal domination found in Zintgraff's descriptions.⁶¹

One of the most brutal episodes described in the diary concerns his 1888-1889 expedition to Bali, during which Zintgraff and his troops violently subdued local resistance. He reported with pride that entire settlements were razed and dozens of people killed:

The number of people killed was later given as 70 by themselves, whilst about 25 hamlets within a radius of ten kilometres were levelled to the ground. Many remarkable objects, precious for anthropology, like big drums draped with human skulls with jaws rattling when beaten, had to be destroyed since, to my greatest distress, it was not feasible to drag them along.⁶²

This passage illustrates the tension between colonial desire for cultural acquisition and the logistical reality of military conquest. Valuable

56 C Gräbel *Die Erforschung der Kolonien: Expeditionen und koloniale Wissenskultur Deutscher Geographen, 1884-1919* (2015).

57 Zintgraff (n 3).

58 RS Fossi 'Eugen Zintgraff's diary as a document of theft and destruction of art treasures in the colonial context' 11 October 2022, <https://boasblogs.org/de/dcntr/eugen-zintgraffs-diary/> (accessed 1 September 2025).

59 Zintgraff (n 3).

60 As above.

61 Fossi (n 58).

62 Zintgraff (n 3) 152.

objects were either looted or destroyed, depending on whether they could be transported. His language, mixing regret with pragmatism, exposes the colonial logic in which the destruction of cultural heritage was considered unfortunate but ultimately acceptable.

Even more disturbing is his description of how his troops resorted to melting down the jewellery of captured colonised women to create makeshift ammunition:

To remedy this sensitive need of ammunition we had to use the serpentine rings of the captured womenfolk that were made of strong brass wire and worn as jewellery around their arms and legs. We ungallantly pulled them from their limbs and had them smashed with a chisel into buckshot size pieces by the carpenter who used his axe as an anvil. In this shape they were fired, as lethal greetings, towards their fathers, husbands and brothers, who in view of this unexpected and fatal use we made of their former generosity, may have bitterly regretted it.⁶³

This statement reveals a chilling cynicism. Brutality is not only normalised but even recounted with grim wit. It shows a colonial world view in which African lives and belongings were tools to be used, obstacles to be removed, or curiosities to be studied and displayed. Zintgraff's legacy, like that of many early colonial explorers, is not only one of documentation but also one of violence, cultural erasure, and deep complicity in imperial crimes.

All three colonial officers we discussed were active collectors of cultural artefacts through coercive means. These cultural artefacts were later donated to major ethnological museums in Germany. Their writings do more than recount personal experiences. They expose the normalised brutality of the colonial enterprise and the ideological justifications behind it. At the same time, these documents raise critical methodological and ethical questions: How reliable are such self-authored accounts in reconstructing colonial crimes? What can they reveal, and what do they conceal? To what extent can such sources be used in contemporary legal or political processes seeking historical justice? To explore these questions, one should take a closer look at each case, not only to understand the historical events but also to reflect on the role of personal archives in shaping our memory of colonialism.

63 Zintgraff (n 3) 151-152.

5 Ethical and legal aspects on the use of personal writings to resolve colonial crimes

5.1 On the subjectivity of diaries and memoirs

The personal writings of Otto Dempwolff, Karl Weule and Eugen Zintgraff, ranging from diaries, letters to published ethnographies, offer a unique, deeply troubling window into the colonial mindset and the mechanisms of imperial violence. As historical sources, they are invaluable not because they provide neutral or objective accounts, but precisely because they expose how colonial actors saw themselves, justified their actions, and narrated their involvement in systems of domination. These texts allow us to access not only events, but also the inner logics and everyday language through which colonial violence was normalised and, at times, celebrated.

In the specific cases of Dempwolff, Weule and Zintgraff, the personal writings are often steeped in racist language and imperial ideology, filled with silences about victims, and lacking critical distance. Yet, these very limitations are what makes them so revealing if taken under Spivak's concept of echoes. They were written to their families, for the German public during the colonialism or for science in the framework of colonial knowledge production, but unintentionally, those personal writings show how violence was rationalised, how power operated in everyday gestures, and how science, administration, and especially brutality were intertwined in colonial practice. Taking them under that perspective, they help deepen our understanding of colonial crimes by offering first-hand testimony from perpetrators of those. They show how personal ambition intersected with structural violence. Nevertheless, they also raise serious questions about what remains unsaid – especially the voices of the colonised, which are largely absent or filtered through the lens of domination. They must be contextualised and read critically.

As previously shown, memoirs and diaries are, by nature, subjective: They are shaped by self-image, by the desire to convince or impress, and by the political and cultural norms of their time. They reflect the author's interpretations and biases, allowing colonial officers to frame narratives that justify their own actions and obscure wrongdoing.⁶⁴ As

64 Bakhtiyorovna (n 18).

sources, they therefore risk reproducing apologetic viewpoints rather than offering neutral testimony. Researchers must ask whether they are reading what occurred, what the author believed occurred, or a deliberately constructed persona, sometimes multiple personae crafted to project a particular image. Closely connected are problems of selective memory and self-censorship, which undermine historical accuracy. The act of writing may involve omitting uncomfortable details or reshaping recollections to align with desired self-images, producing accounts that cannot be treated as transparent reflections of past events.⁶⁵ Such processes create gaps and distortions in the evidentiary record, limiting the reliability of memoirs and diaries for establishing precise factual sequences. Used alone, they risk reinforcing colonial narratives. Used alongside oral histories, archival records, and the material traces of colonialism, they can contribute meaningfully to claims for restitution, recognition and reparation.

5.2 Ambiguity of colonial law on acquisition of artefacts and land: Insights from diaries

The diaries of Dempwolff, Weule and Zintgraff offer a glimpse into how these officers thought about the legality of what they were doing. The diaries reveal how the vague nature of colonial law left plenty of room for flexible – and often self-serving – interpretations of what was considered acceptable, making it easier for the officers to justify violent actions and lootings that would have been harder to defend under stricter legal standards.

Derived from the diaries and memoirs analysed in this chapter, there is an abundance of evidence that land and artefacts were plundered by the colonial masters. The question arises as to how we redress these injustices using entries in the memoirs and diaries. The colonial governance architecture promulgated laws and decrees that fuelled the collection of artefacts and acquisition of land from the natives. In part, the colonial law was not neutral; it was often designed to legitimise conquest, dispossession and exploitation rather than to protect indigenous rights.⁶⁶

⁶⁵ Paperno (n 18).

⁶⁶ PH Masake 'Emerging critical thoughts and solutions on colonial injustices in Africa and their practical implications' in PH Masake & F Jeßberger (eds) *International criminal law and the legacy of colonialism* (2024) 183-210.

Legal ambiguity was a deliberate act: The law applied to colonised natives was frequently a mixture of imposed European statutes, *ad hoc* ordinances and selective recognition of customary law, but always subordinated to colonial authority. This allowed colonisers to claim legality while leaving room to manoeuvre when seizing artefacts, land or cultural property.

It is evident from a plethora of legal text that in the nineteenth century, international law largely developed in Europe reflected a Eurocentric world view, recognising sovereignty mainly among European powers. The doctrine of *terra nullius* and concepts of civilisation justified treating colonised territories as unowned or available for acquisition. Similarly, artefacts taken during expeditions, wars or scientific missions were often presented as gifts or discoveries within a legal vacuum, rather than as acts of theft.⁶⁷

The nature and practice of law during the colonial era resembled that of legal complicity. With legal complicity, the assumption is that the colonial international law was used to demonise the colonies and to commit atrocities. In this context the laws were vaguely defined. The vagueness in defining ownership, sovereignty or custodianship enabled colonisers to present plunder as lawful acquisition.⁶⁸ Land treaties with chiefs were often signed under duress, mistranslated, or interpreted to mean cession of sovereignty, even if local leaders understood them as agreements of friendship or shared use. Equally, as evident in diaries analysed in this chapter, the collectors claimed that artefacts were purchased or donated, yet the power imbalance meant that indigenous communities had little choice.

Considering this colonial legal ambiguity, today's ensuing repatriation debates about the Benin bronzes, Namibian skulls, Māori taonga show how colonial era lawful acquisition is contested.⁶⁹ International law now recognises rights that were ignored in the past, but states and museums still rely on colonial era legal documentation to resist restitution. This raises the following question: Should present-day restitution processes judge the past by the laws of that time, which privileged colonisers, or by principles of justice, equity and human rights?

67 RM Paulose & RG Rogo 'Addressing colonial crimes through reparations: The Mau Mau, Herero and Nama' (2018) 7 *State Crime Journal* 369-388.

68 Masake (n 66).

69 As above.

The ambiguity of colonial and international law was not accidental. Rather, it was functional in serving the colonial empire.⁷⁰ Law in this context acted less as a framework of justice and more as a technology of dispossession cloaked in legality. For scholars and practitioners today, the challenge is to confront that history – to move beyond formal legality towards decolonial justice, which acknowledges the illegitimacy of laws that enabled plunder and displacement.

Since it is clear from the analysed diaries and memoirs, that artefacts and land were plundered by the colonial authorities, the question is: What is the evidential value of these memoirs and diaries in the pursuit of addressing colonial injustices? This question is addressed in the subsequent part.

5.3 Legal aspects of diaries and memoirs as sources of evidence

The central question remains: How legal could evidence drawn from diaries and memoirs be in terms of law and jurisprudence seeking colonial justice? It is not in doubt that when it comes to legal or political processes seeking historical justice, such writings can serve as powerful documents when they contain admissions of violence, evidence of looting or direct descriptions of atrocities. The legality and admissibility of evidence drawn from memoirs and diaries in contexts of colonial justice, historical wrongs or transitional justice depend on both formal rules of evidence in law and the broader jurisprudential frameworks of justice seeking.

5.3.1 *Formal legal admissibility*

The fundamental general principle is that out-of-court statements offered to prove the truth of the matter asserted are inadmissible. In most legal systems, diaries and memoirs are classified as hearsay evidence because they are out-of-court statements offered to prove the truth of what is recorded.⁷¹ However, under certain exceptions, diaries and memoirs may be accepted and admissible in evidence. These exceptional circumstances include where such diaries fall within the ambit of *res gestae*, tend to prove

70 Paulose & Rogo (n 67).

71 *Mutua & Others v The Foreign and Commonwealth Office* (4 October 2012) EWHC 2678 (QB).

other material than the truthfulness of its contents, self-incrimination, impeach the witness (perjury) or dying declaration.

The *res gestae* rule: Where a diary is contemporaneous – written at or near the time of events – courts may accept it under exceptions such as *res gestae*. In law, *res gestae* refers to the facts, circumstances or statements that are so closely connected to an event or transaction that they help explain its nature, context or cause.⁷² Because of this close connection, *res gestae* can sometimes be admitted as evidence, even if they might otherwise be considered hearsay. *Res gestae* is sometimes used more broadly to mean the recorded deeds, acts or accomplishments of a person or institution or an autobiographical inscription of achievements.

In the case of *Naholo*⁷³ the Court found that an unsolicited statement about what happened at a crime scene from a robber who disguised as complainant were admissible as evidence without violating the rules of confession and such statements were treated as forming part of *res gestae*. The Court at paragraph 16 reasoned as follows:

Josephine testified that while she was injured on her knees by the robbers, plaintiff was not injured during the robbery; neither was she beaten. This forms part of the *res gestae* in that a self-confessed robber of the gambling house told the police that there were four accomplices and that one of the robber's girlfriend, being plaintiff, gave the robbers information that there was money at the gambling house. It stands to reason that the robbers did not beat or injure their confederate in the crime, being plaintiff.⁷⁴

Proof of other materials: Diaries reflect subjective personal references, experiences or observations. It is important to note that in the absence of the author, such diaries may be treated as hearsay and inadmissible. However, where the diary is not used to purport to prove the correctness or truthfulness of its content, such a diary may be admissible. In other words, the diary may be admissible if it is offered to prove something other than the truth of its content. This includes the fact that the diary was written on a particular date or to show a person's state of mind. In the context of the colonial officers' diaries, they may be admissible in evidence to reveal the period and the possible state of mind of the

72 *Naholo v The Government of the Republic of Namibia* (2 December 2020) NAHCMD 553 (HC-MD-CIV-ACT-DEL-2019/00505 2020).

73 *Naholo* (n 72) para 16.

74 *Naholo* (n 72).

colonial officers. Derived from the records of the case studies offered above, there is no doubt that the colonial officers' state of mind was filled with venomous violence. In this manner, diaries can provide inferences on the violent nature of the colonial agenda.

Self-incriminating: Diaries and memoirs often sit at a difficult intersection between personal privacy, admissibility of evidence and protection against self-incrimination. In most legal systems, common law and many civil law jurisdictions, no person can be compelled to give evidence that incriminates themselves.⁷⁵ In the case of *Prosecutor v Radovan Karadzic*⁷⁶ the Appeals Chamber at paragraph 45 found that

the compulsion of an accused's or appellant's testimony under Rule 90(E) of the Rules in another case before the Tribunal is not inconsistent with the right against self-incrimination under Article 21(4)(g) of the Statute. Provided, any self-incriminating information potentially emerging during testimony in another case, could not be used directly or indirectly against the person in his own case.⁷⁷

This protection applies to testimony and answers during questioning, but documents already in existence – such as diaries – are usually treated differently. When disclosed or discovered lawfully – through a valid search warrant, subpoena or voluntary disclosure – a diary may be used in court. Entries in a diary are treated like any written statement. They can amount to admissions or confessions. For diaries to be admissible in this context, the court must establish the authenticity of such diaries: that the diary belongs to the accused and was written by them. In common law, such entries are not hearsay when used against the author because they are considered partly as admissions or confessions.

Whether self-incrimination material contained in the diaries can bear fruits or be responsive in addressing colonial crimes at individual accountability level remains unrealistic because the actual perpetrators of the colonial crimes are no longer alive. Therefore, the effect of the entries in the diaries may be limited.

75 Art 12(1)(f) of the Constitution of the Republic of Namibia reads: 'No persons shall be compelled to give testimony against themselves or their spouses, who shall include partners in a marriage by customary law, and no court shall admit in evidence against such person's testimony which has been obtained from such persons in violation of Article 8(2)(b) hereof.'

76 *Prosecutor v Radovan Karadžić* ICTY (13 November 2013) IT-95-5/18-AR73.11 para 45.

77 *Radovan Karadžić* (n 76).

Proving perjury: Perjury refers to knowingly making a false statement under affirmation or oath during a judicial process.⁷⁸ In the context of the offence of perjury, diaries may be used to impeach a witness by contradicting their trial testimony. For example, if a witness denies a certain fact in court, their diary entry contradicting that statement could be used to challenge their credibility.

Dying declaration/diary entry: This is a statement or entry written in the diary that is made *in extremis* in the belief that the death of the declarant is inevitable and imminent.⁷⁹ Even though it is treated as hearsay evidence, a dying declaration under exceptional circumstances may be admissible. This exception is recognised in most countries. The credibility of a dying declaration is supported by an assumption that a person facing imminent death is not likely to lie.⁸⁰ In this context, where the author is deceased, diaries may sometimes be admitted.

5.3.2 *Jurisprudential considerations in colonial justice: Decoding diaries*

When dealing with colonial injustices, courts, tribunals or truth commissions often adopt broader evidentiary standards because of various reasons, among others, the destruction or absence of official records – colonial powers often withheld or destroyed incriminating evidence. Further motivation for recognition of the admissibility of diaries is to circumvent the silenced voices syndrome. In this context memoirs, diaries, letters and oral histories become essential to capture marginalised perspectives. Furthermore, it is to promote restorative justice rather than retributive justice. Transitional justice mechanisms (truth commissions, reparations programmes) prioritise inclusivity of lived experiences over strict evidentiary rules.⁸¹ These attributes necessitate an examination of the evidential value of diaries within the broader jurisprudential context.

It is common knowledge that colonial justice in German-administered territories such as German South West Africa (present-day Namibia) and German Kamerun (Cameroon) operated through legal systems

78 *Rajah & Another v S* (12 September 2024) ZAWCHC 146 (A102 2024).

79 *Sigcawu v S* (28 July 2021) ZAWCHC 137 (A47 2021); 2022 (1) SACR 77 (WCC).

80 *Omokaro v State* (16 May 2025) LPELR-81202(SC).

81 *Mutua* (n 71).

that were simultaneously formal and improvised, juridical and violent.⁸² While colonial ordinances, imperial decrees and military regulations projected an image of legality and administrative rationality, the lived reality of colonial justice was far more contingent, discretionary and deeply political.⁸³ To grasp this reality, a jurisprudential analysis must move beyond official legal texts and incorporate colonial diaries as critical legal sources. This part argues that the diaries and ethnographic writings of Otto Dempwolff, Karl Weule and Eugen Zintgraff provide invaluable insight into the jurisprudence of colonial domination in Namibia, Cameroon and other colonies. When read critically and situated within legal-philosophical frameworks – legal positivism, natural law, legal realism and critical theory – these diaries expose colonial law as a political technology of rule, rather than a neutral system of justice.

Deduced from the analysed diaries, in this chapter the authors argue that the colonial law to a great extent was a political project in German Africa. For example, the German colonial law in Namibia and Cameroon was explicitly designed to consolidate imperial authority, regulate African labour and suppress resistance. In Namibia, particularly following the Herero and Nama genocide (1904-1908), law became inseparable from military violence.⁸⁴ Emergency decrees, forced labour regulations, pass laws and racialised criminal codes operated less as instruments of justice and more as mechanisms of population control. In Cameroon, colonial governance relied on a fusion of military command, administrative discretion and selectively recognised customary law.⁸⁵ Legal pluralism existed only insofar as it served German interests. African legal systems were subordinated, reinterpreted or altogether ignored when they conflicted with imperial objectives. From a jurisprudential standpoint, this reflects a positivist conception of law grounded in imperial sovereignty.⁸⁶ Law was valid because it emanated from German

82 R Kossler & H Melber 'The genocide in Namibia – Consequences for a memory culture today from a German perspective' (2004) 30 *Journal of African Studies* 17.

83 J Pierskalla and others 'The territorial expansion of the colonial state: Evidence from German East Africa 1890-1909' (2019) 49 *British Journal of Political Science* 711-737.

84 JS Lowry *Big swords, Jesuits, and Bondelswarts: Wilhelmine imperialism, overseas resistance and German political Catholicism 1897-1906* (2016) 55-57.

85 C Sebastian *German colonialism: A short history* (2012).

86 N Hussain *The jurisprudence of emergency: Colonialism and rule of law* (2003) 99-102.

authority, not because it was morally defensible or socially legitimate. The diaries of Dempwolff, Weule and Zintgraff illuminate how this political conception of law functioned in practice.

Diaries as eye into colonial legal rationalities

Eugen Zintgraff: law, violence and administrative discretion in Cameroon. In the context of jurisprudence, the diary of Eugen Zintgraff, a colonial officer and explorer in Cameroon, provides some of the clearest diary evidence of the fusion of law and violence. His writings frequently describe punitive expeditions, forced treaties and summary punishments imposed on African communities. Legal justification is often implied rather than articulated, revealing how coercion was substituted for due process. Zintgraff's diary entries demonstrate how colonial justice operated as executive command rather than adjudication. Punishment was framed as necessary for maintaining order, illustrating Austinian command theory in its most literal form: law as orders backed by force.⁸⁷ From a legal realist perspective, Zintgraff's writings show that legal outcomes were determined less by rules than by military expediency and racialised perceptions of authority.

Karl Weule: ethnography, customary law and epistemic control. The diary of Karl Weule, an ethnographer working in German East and West Africa, provides a different but equally revealing perspective. His diaries and ethnographic notes document African social structures, dispute resolution mechanisms and normative practices. While ostensibly scholarly, these writings played a critical role in colonial legal codification. In both Namibia and Cameroon, such ethnographic knowledge was used to define and freeze 'customary law', strip it of flexibility and contextual meaning, and render it legible and controllable by colonial administrators. Jurisprudentially, Weule's work reveals how colonial law engaged in epistemic violence – transforming living legal traditions into static rules subject to colonial oversight. While claiming respect for indigenous norms, colonial justice systems used ethnography to subordinate African jurisprudence to imperial legal hierarchies.⁸⁸

87 AP Kumar 'Revisiting Austin's command theory in the context of contemporary constitutional order' (2025) 6 *International Journal of Research Publication and Reviews* 4959.

88 L Gann & P Duignan *The rulers of German Africa 1884-1914* (1977).

Otto Dempwolff: language, law and colonial legal consciousness. The diary of Otto Dempwolff, a linguist and colonial official, contributed to the documentation of African languages in Cameroon and Southern Africa. His diaries and linguistic work highlight the centrality of language in colonial legality. Legal authority depended on the translation of laws, orders and judgments, yet this translation was profoundly asymmetrical.⁸⁹ Dempwolff's writings expose how linguistic mediation shaped colonial justice: Among others, African testimony was filtered through colonial interpreters, the legal meanings were distorted or simplified, and indigenous legal concepts were misrepresented. From a jurisprudential perspective, this undermines claims of procedural fairness. Law could not be neutral where meaning itself was controlled by colonial authority.⁹⁰ Dempwolff's work thus illustrates how legal power operated through language, reinforcing critical legal theories that emphasise discourse as a site of domination.

Reading colonial diaries against the grain and within jurisprudential philosophical frameworks

While these diaries are invaluable, they must be read critically. They reflect the voices of colonial power and often normalise violence, racial hierarchy and legal arbitrariness. Descriptions of forced labour, corporal punishment or land seizure are frequently framed as administrative necessities rather than injustices.⁹¹ Reading against the grain reveals several issues, including the silencing of African legal agency, the moral rationalisations of brutality, and the routine collapse of legal distinction between punishment and warfare. In the German colonies' context, the absence of African voices in these diaries mirrors the legal erasure experienced during and after the genocide. Equally, the diary silences reflect how colonial legality marginalised indigenous dispute resolution while claiming civilising authority. These diaries are not only directly situated within legal-philosophical but further situated within the

89 F Ilyas & SH Shahid 'Postcolonial approaches to translation studies' (2020) 3 *University of Wab Journal of Social Sciences* 89.

90 L Komolafe 'African jurisprudence as historical co-extension of diffused legal theories' (2022) 8 *Journal of Philosophical Association of Kenya* 61.

91 L Englund 'Writing against colonialism in South African memoirs' (2023) 59 *Journal of Postcolonial Writing* 77.

jurisprudential frameworks. This affords diaries to have the necessary thrust as invaluable pieces of evidence in redressing the colonial injustice.

The diaries confirm the legal positivism foundation of colonial law but also expose its contradictions.⁹² While officials claimed obedience to law, they routinely bypassed formal procedures, revealing the fragility of legal certainty in colonial contexts. In the context of natural law, the colonial appeals to civilisation and moral progress collapse under diary evidence of systemic cruelty.⁹³ The denial of basic dignity to Africans, as documented in the diaries, exposes the hypocrisy of natural law rhetoric in German colonial jurisprudence. To this effect, the diaries strongly support realist claims that law is shaped by human behaviour, institutional power and social context.⁹⁴ Judicial outcomes were contingent, personal and deeply political. From a critical theory perspective, the diaries demonstrate that colonial law was a tool of domination, not a failure of implementation. Law succeeded precisely because it facilitated dispossession, labour extraction and racial control.

In sum, integrating jurisprudence and diaries offers a powerful framework for analysing colonial justice in the former German colonies. The writings of Otto Dempwolff, Karl Weule and Eugen Zintgraff expose colonial law as a political project sustained through violence, epistemic control and discretionary power. When read against the grain and situated within legal-philosophical traditions, these diaries dismantle the myth of colonial legality and reveal the profound moral and juridical failures of imperial rule. This approach not only enriches legal history but also speaks directly to contemporary debates on transitional justice, decolonisation of law, accountability, reparation and the enduring legacies of colonial jurisprudence in the former German colonies.

6 Conclusion

Diaries and memoirs play a significant role in how colonialism is remembered – or forgotten. They are part of the family archives, often

92 EH Atiq 'Legal positivism and the moral origins of legal systems' (2023) 36 *Canadian Journal of Law & Jurisprudence* 37.

93 D Kansra & R Pathak 'Conceptualising and contextualising natural law' (2023) 13 *Dr Ram Manohar Lohiya National Law University Law Review* 1.

94 KP Lee 'Realism and jurisprudence: A contemporary assessment' (2019) 49 *Golden Gate University Law Review* 78-80.

preserved in European institutions and celebrated for their scientific value, while the violence they document remains underexamined. Re-reading them today, with attention to what they reveal and what they obscure, is essential not only for historical scholarship but for confronting the legacies of colonialism in public memory and institutional culture. The diaries reveal first-hand accounts of how the various colonial crimes were committed, by whom, when and the motivation that undergird the commission of these colonial crimes.

In the context of addressing colonial crimes, these diaries and memoirs retain limited probative value, provided that their authors were alive – for personal/individual criminal responsibility. In the absence of the actual perpetrators, the diaries and memoirs may be treated as hearsay evidence and may not be admissible in court proceedings. However, under certain exceptional circumstances, these diaries remain relevant and admissible in evidence. This is particularly true in the context of transitional justice, truth commissions and alternative dispute resolution mechanisms.

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